



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land*

<b>MEETING DATE</b> February 7, 2014 <b>LOCAL EFFECTIVE DATE</b> February 17, 2014 <b>APPROX FINAL EFFECTIVE DATE</b> March 14, 2014	<b>CONTACT/PHONE</b> Megan Martin Project Manager (805) 781-4163 mamartin@slo.co.ca.us	<b>APPLICANT</b> David Slater and Chris Hays	<b>FILE NO.</b> DRC2013-00023
<b>SUBJECT</b> Hearing to consider a request by David Slater and Chris Hays for a Minor Use Permit/Coastal Development permit to allow a 433 square-foot living space addition to an existing 2,010 square-foot single family residence. The project will also provide an additional 125 square feet of permeable deck area, resulting in a total of 255 square feet of permeable deck area. The project will result in the disturbance of approximately 900 square feet (33 cubic yards) on an approximately 9,895 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1538 Bradford Road within the Lodge Hill Neighborhood in the community of Cambria. The site is in the North Coast planning area. The project is exempt under CEQA (Class 3).			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2013-00023 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption (ED13-117) was issued on December 16, 2013.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Geologic Study Area, Terrestrial Habitat, Local Coastal Plan, Geologic Hazard Area	<b>ASSESSOR PARCEL NUMBER</b> 024-261-038	<b>SUPERVISOR DISTRICT(S):</b> 2
<b>PLANNING AREA STANDARDS:</b> Monterey Pine Forest Habitat (SRA)(TH), Setbacks, Height, Footprint and Gross Structural Area (GSA) Limitations, Residential Single-Family Design Standards, Erosion Control, Landscaping, Cambria Community Services District Review, Cambria Fire Department Does the project meet applicable Planning Area Standards: Yes - see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program, Terrestrial Habitat, Geologic Study Area Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / residences South: Residential Single Family / residences	
East: Residential Single Family / residences West: Rural Lands / Vacant and Undeveloped	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District (Water/Sewer), Cambria Community Services District (Fire), Building Division, California Coastal Commission	
TOPOGRAPHY: Moderate to steeply sloping; average 24%	VEGETATION: Ornamental landscaping, Monterey pines
PROPOSED SERVICES: Water supply: Community system / Cambria Community Services District Sewage Disposal: Community sewage disposal system / Cambria Community Services District Fire Protection: Cambria Fire Department	ACCEPTANCE DATE: December 13, 2013

## DISCUSSION

### PROJECT HISTORY

In 1993, a minor use permit/coastal development permit (D920124P) was approved for a three (3) bedroom two (2) bath dwelling with the transfer of 11 square feet of development credits. The landowner applied and was approved three time extensions and the dwelling was built in 1996-1997.

Two voluntary mergers have occurred on the property since the development of the single family residence. In 2004, Lots 14, 15 and 16 in Block 112 of Cambria Manor Unit No. 5 were merged. In 2012, Lot 17 in Block 112 of Cambria Pines Manor Unit No. 5 with Lots 14, 15 and 16 in Block 112 of Cambria Pines Manor Unit No. 5.

### PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designation, Community Wide, and Residential Single Family development standards of the North Coast Area Plan.

#### North Coast Area Plan

##### Monterey Pine Forest Habitat (SRA)(TH)

The following standards apply to new development proposed within the Monterey Pine Forest Terrestrial Habitat (SRA) (TH) combining designation:

1. A "Project limit area" shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat.

2. Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the project limit area shall be removed, except for trees identified as hazardous by a qualified professional.
3. Plans shall identify all Monterey pine trees and their size when they are six inches or more in diameter at 4.5 feet above ground, and oak trees four inches or more in diameter at 4.5 feet above ground. Plans shall also indicate a project limit area, showing the full extent of proposed site disturbance. Construction plans must also contain various notes indicating trees to be left undisturbed and special construction practices to avoid impacts to native trees and vegetation.
4. Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented.
5. Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground removed shall be replaced at a 4:1 ratio. Any oak trees that are four inches in diameter 4.5 feet above ground removed shall be replaced at a 6:1 ratio. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest. Replacement vegetation shall be planted in conformance with the criteria set forth in the North Coast Area Plan which includes but is not limited to a replanting plan, specifications for container sizes and species (*Pinus radiata* var. *marcocarpa*), and maintenance specifications.

*Staff Response: The proposed development complies with these standards. The project is conditioned to show a project limit area on the construction documents to ensure all work is within the approved areas on the site. The project minimizes impacts to the Monterey Pine Forest because the proposed addition is sited to avoid existing Monterey pine trees and Oak trees; however, one 30" diameter Monterey Pine will be located approximately eight (8) feet from the master bedroom addition, should the roots be impacted and the tree deemed hazardous by a qualified professional following root impact, the Monterey Pine Tree shall be replaced at a 4:1 ratio.*

#### Cambria Community Services District Review

Land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District. The letter shall be provided to the Department of Planning and Building prior to final building inspection.

*Staff Response: The proposed project complies with this standard. The applicant submitted a confirmation of water and sewer availability letter, dated October 28, 2013, from the Cambria Community Services District for the subject property, the letter is attached (Attachment 3). The addition includes a new master bedroom and bath; however, the original master bathroom will be removed. All proposed fixtures will be retrofitted to meet current standards under Title 4 of the District Code.*

#### Cambria Fire Department Review

All new development shall comply with applicable state and local Cambria fire codes. Prior to acceptance, land use and building permit applications shall include a fire plan review from the Cambria Fire Department.

*Staff Response: The proposed project complies with this standard. The applicant submitted a Fire Plan Review, dated October 30, 2013, from the Cambria Fire Department, the plan is attached (Attachment 4). The project is conditioned to comply with all applicable fire safety requirements.*

Site Review – Biological Assessment

Based on the results of a site review, all project determined to have the potential to adversely impact a sensitive resource shall require a biological assessment report prepared in accordance with Coastal Zone Land Use Ordinance Section 23.07.170.

*Staff Response: Based on a site review, a biological assessment was not necessary prior to approval. The property is located in a previously developed, urbanized area. The project is sited to reduce impacts on existing trees. As mitigation for the projects potential impacts to one Monterey Pine Tree, should the 30" diameter Monterey Pine located eight (8) feet from the master bedroom addition be impacted and determined hazardous by a qualified arborist, the applicant shall show a replacement of the Monterey Pine at a 4:1 ratio.*

Erosion Control

All runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks, shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department.

*Staff Response: The proposed project complies with this standard. Public Works submitted a referral response requiring the applicant to submit a Drainage Plan at the time of application for building permits. As conditioned the applicant is required to submit a Drainage Plan that demonstrates how runoff from the newly developed impervious surfaces (roof of master bedroom addition and deck) will be collected and maintained on-site to the greatest extent feasible.*

Landscaping

All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site.

*Staff Response: The proposed project complies with this standard. The proposed development is occurring in an area where there was previously site disturbance from the original development of the principal residence. Condition 14 will require the applicant to landscape any area disturbed by the new development; non-native, invasive, fire prone, and water intensive (e.g., turf grass) landscaping shall be prohibited. Should the 30" diameter Monterey Pine be impacted, the applicant will be required to replace at a 4:1 ratio.*

Exterior Lighting

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that direct illumination does not fall onto or across any public or private street or road.

*Staff Response: The proposed project is consistent with this standard. Condition 4 will require the proposed project to comply with applicable lighting requirements.*

Residential Single-Family

The following table describes the project's compliance with applicable setbacks, height, gross structural area (GSA), and footprint standards of the North Coast Area Plan.

Topographic Standards - Minimize the Extent of Excavation and Fill on a Site

Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary. Surfaces such as driveways, patios, and walkways shall be limited to the smallest functional size and shall utilize porous materials and design where feasible.

*Staff Response: The disturbance of existing soil and vegetation shall be limited within the project limit area which is limited to the minimum areas necessary. No driveways, patios, or walkways are proposed; however, additional deck space is proposed which will allow for permeability.*

Height

The maximum height is 28 feet above natural grade, except as required below: Lodge Hill. The maximum height for structures visible from Highway One within the Lodge Hill area is 25 feet above natural grade.

*Staff Response: The proposed project is not visible from Highway One, thus is not subject to the 25 feet height limit. The proposed development will be approximately 14 feet above natural grade well within the 28 foot height requirement.*

**Building Size**

Lot Size: 9,895 square feet  
Special Project Area: N/A  
Oversized lot adjustment: 1.88

Slope: Approximately 24%  
Number of trees to be removed: 0  
Base: 1,600 SF Footprint; 2,400 SF GSA

PROJECT REVIEW	ALLOWABLE	ADDITION SECTION	TOTAL PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,600 x 1.88 = 3,015	433	1,547	OK
GSA (SQUARE FEET)	2,400 x 1.88 = 4,523	433	2,443	OK
HEIGHT (FEET)	28'	15'-6"	14' (addition); 28' (existing SFD)	OK
DECKS (SQUARE FEET)				
PERVIOUS	904.5	130	255	N/A
IMPERVIOUS	301.5	N/A	N/A	OK
SETBACKS (FEET)				
FRONT AND BACK COMBINED	25'	30'-2"	30'-2"	OK
FRONT	10'	10'	10'	OK
REAR	10'	20'-2"	20'-2"	OK
SIDE	5'	37'	37'	OK
SIDES COMBINED (FOR LOTS W/ 50 FEET OR GREATER FRONTAGE)	12'	67'-8"	67'-8"	OK

**Building Design Standards**

Building design standards should reduce the apparent massing to achieve a small-scale appearance appropriate for the character of the neighborhood. Buildings should be designed to avoid removal of significant vegetation and blend structures into the natural setting to the maximum extent feasible. The design should be visually compatible with the neighborhood while creating individual character that uses natural-appearing building materials.

*Staff Response: The proposed master bedroom addition incorporates architectural details that are similar and consistent with the principal residence. The building design as submitted illustrates development that achieves a small-scale appearance and is appropriate for the character of the neighborhood. As conditioned the addition has been designed to avoid removal of the 30" diameter Monterey Pine located approximately eight (8) feet from the corner of the proposed building. However, due to the proximity to the pine, it is recognized the roots could become impacted and compromise the health of the tree. If the roots are impacted and the applicant must remove the pine, the applicant shall be required to replace at a 4:1 ratio.*

LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(3)(i) - Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the California Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat (Terrestrial Habitat, Monterey Pine Forest), according to official County maps.

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as established by the Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.170(e)(1-5) - Environmentally Sensitive Habitat (ESH) Development Standards

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.
3. Where feasible, damaged habitats shall be restored as a condition of development approval.
4. Development shall be consistent with the biological continuance of the habitat.
5. Grading adjacent to ESH shall conform to the provisions of Section 23.05.034(c) (Grading Standards).

*Staff Response: The proposed project is located within a sensitive resource area (SRA) and ESH due to the Cambria Monterey Pine Forest. The project complies with ESH development standards 1-5, above. The mitigation for the project's potential impact to the 30" diameter Monterey Pine will provide continuance of the forest by requiring four new pine saplings to be planted on the subject site should development activities impact the roots of the trees.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒ Policy No(s): 1, 2, 3, 29, 30

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 10

Visual and Scenic Resources: ☒ Policy No(s): 7

Hazards: ☒ Policy No(s): 1, 2

Archeology: N/A

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned  
COASTAL PLAN POLICY DISCUSSION:

### ***Environmentally Sensitive Habitats***

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

*Staff Response: The proposed project is consistent with this policy. The proposed project is within an ESH. It will not significantly disrupt the habitat as development will occur in an area previously disturbed and tree removal and site disturbance have been minimized to the greatest extent feasible.*

Policy 2: Permit Requirement. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and (b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*Staff Response: The proposed project is consistent with this policy. The proposed project will not significantly impact sensitive habitats and the proposed development will be consistent with the biological continuance of the habitat because the proposed development will occur in an area previously disturbed by development and any landscaping impacted is decorative/ornamental.*

Policy 3: Habitat Restoration. The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible.

*Staff Response: The proposed project is consistent with this policy. One 30" diameter Monterey Pine will be located approximately eight (8) feet away from the master bedroom addition. Should the roots of the pine be impacted and a qualified arborist find the tree is hazardous, it will be replaced at a 4:1 ratio with Monterey Pine saplings.*

Policy 29: Protection of Terrestrial Habitat. Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

*Staff Response: The proposed project is consistent with this policy. Condition 2(b) and 14 will mitigate the potential impact to one 30" diameter Monterey Pine tree should the roots be damaged during development.*

Policy 30: Protection of Native Vegetation. Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

*Staff Response: The proposed project is consistent with this policy. Tree removal and impacts to the Monterey Pine Forest have been minimized through project design. A project limit area*



*will be designated on all construction documents which will ensure all development will not further encroach into any habitat areas on site.*

### **Public Works**

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff Response: The proposed project is consistent with this policy. The applicant submitted a water and sewer availability letter, dated October 30, 2013, from the Cambria Community Services District. As conditioned, the project would comply with the retrofitting and water conservation requirements of the Cambria Community Services District. The addition includes a new master bedroom and bath; however, the existing master bathroom will be removed. All proposed fixtures will be retrofitted to meet current standards under Title 4 of the District Code.*

### **Coastal Watersheds**

Policy 7: Siting of new development. In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat (ESH). In urban areas as defined by the Urban Service Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted use.

*Staff Response: The proposed project is consistent with this policy. The project site and all of the Lodge Hill neighborhood in Cambria is within ESH. The project site is specifically within Terrestrial Habitat Monterey Pine Forest. Because the project is completely within ESH it is not possible to site development 100 feet from the sensitive habitat; however, the addition will not significantly disrupt the habitat as development will occur in an area previously disturbed and site disturbance have been minimized to the greatest extent feasible.*

Policy 8: Timing of new construction. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

*Staff Response: The proposed project is consistent with this policy. The proposed project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff Response: The proposed project is consistent with this policy. The proposed project is required to have a drainage plan that shows the construction of the master bedroom addition will not increase erosion or runoff.*

### **Visual and Scenic Resources**

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

*Staff Response: The proposed project is consistent with this policy. The proposed project will, through project design, minimize disturbance of resources within the Monterey Pine Forest, specifically a 30" diameter Monterey Pine located approximately eight (8) feet from the proposed master bedroom addition. Should the roots become impacted by development activities, a qualified arborist will make the determination as to whether the tree is a safety hazard; if the tree is to be removed it will be replanted at a 4:1 ratio with Monterey Pine saplings.*

### **Hazards**

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

*Staff Response: The proposed project is consistent with this policy. The project site is located within a Geologic Study Area in an area subject to landslides. Section 23.07.082(b) of the Coastal Zone Land Use Ordinance exempts alterations or additions to any structure, where the value of which does not exceed 50% of the assessed value of the structure in any 12-month period, except where the site is adjacent to a coastal bluff. The site is not within a flood hazard zone, is not adjacent to a coastal bluff, has been previously disturbed by development of the existing single family residence, and the proposed addition will not exceed 50% of the assessed value. Additionally, as conditioned, the project is subject to a construction permit as well as the newly adopted 2010 California Codes. Upon review of the construction permit, the Building Department may require a full soils report for the design of the building foundations to ensure the proposed development is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff Response: The proposed project is consistent with this policy. The proposed project is designed to ensure structural stability while not creating or contributing to erosion or geological instability.*

### **COMMUNITY ADVISORY GROUP COMMENTS:**

North Coast Advisory Council: The North Coast Advisory Council met on November 20, 2013 and recommended approval of the project with one additional condition: plant and maintain local Monterey Pines at ratio of 4:1 on site to compensate for removal of a mature, 30" healthy pine,

to be removed. Although not required, the committee strongly encourages rain water cisterns, roof run-off capture, swales and berms to slow or impede off-site water flow.

*Staff Response: After discussing tree removal options with the applicant, it was determined the tree would be protected to the greatest extent feasible. The applicant will no longer remove the 30" Monterey Pine; however, development could potentially disrupt the roots of the tree. Should the roots be impacted, the pine will need to be replaced at the 4:1 ratio as required per the North Coast Area Plan.*

#### AGENCY REVIEW:

Public Works: A drainage plan with building permit will be required.

*Staff Response: As conditioned, the project will require a drainage plan at the time of application for a building permit.*

Cambria Community Services District (Water/Sewer): No referral response received.

Cambria Community Services District (Fire): No referral response received.

Building Division: Comments from Building Division were received on November 1, 2013.

- The project is subject to a construction permit as well as the newly adopted 2010 California Codes.
- It may be necessary for you to employ the services of a California registered Architect or Engineer for the design of portions of the project that do not meet "conventional construction" as defined by our current building code.
- The project may require a full soils report for the design of all building foundations at the time of construction permit application submittal.
- Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

*Staff Response: As conditioned, a building permit will be required at the time of application for construction permits and applicable codes will be applied at that time.*

California Coastal Commission: No referral response received.

#### LEGAL LOT STATUS:

The one (1) parcel was legally created by recordation of a Notice of Voluntary Merger (Document #2012-052528) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Steve McMasters.